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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 PHILLIP SHARPE,

9 *Petitioner,*

10 vs.

11 NEVIN, *et al.*,

12 *Respondents.*
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2:16-cv-01841-JCM-VCF

ORDER

15 On August 11, 2016, the court entered an order dismissing this habeas corpus action based on
16 a finding that petitioner had filed a defective motion for leave to proceed *in forma pauperis*. ECF No.
17 4. On August 18, 2016, this court received from petitioner a perfected motion for leave to proceed *in*
18 *forma pauperis*. ECF No. 5. Although the order dismissing this action instructed petitioner to file a
19 *new* habeas action, the court shall, in the interest of judicial efficiency, set aside its dismissal and
20 entertain petitioner's newly-submitted motion.

21 Based on the financial information provided with petitioner's motion, the court finds that
22 petitioner is able to pay the full filing fee of five dollars (\$5.00). Thus, his motion shall be denied.
23 Petitioner is required to pay the filing fee required for a habeas corpus petition – i.e. five dollars.

24 **IT IS THEREFORE ORDERED** that the order entered on August 11, 2016, (ECF No. 4) is
25 VACATED.

26 **IT IS FURTHER ORDERED** that petitioner's application to proceed *in forma pauperis* (ECF
27 No. 5) is DENIED. Petitioner shall have **thirty (30) days** from the date that this order is entered to have
28 the filing fee of five dollars (\$5.00) sent to the clerk of the court. Failure to comply will result in the

1 dismissal of this action.

2 **IT IS FURTHER ORDERED** that the clerk of the court shall send petitioner two copies of this
3 order. Petitioner is ordered to make the necessary arrangements to have one copy of this order attached
4 to the check paying the filing fee.

5 DATED: October 3, 2016.

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8 UNITED STATES DISTRICT JUDGE
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